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## *Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

16 JONATHAN DUNN, )  
17 Plaintiff, )  
18 v. ) Case No. 2:22-cv-288-JAM-KJN  
19 LLOYD AUSTIN, in his official capacity as ) **STIPULATION CONCERNING STAY OF**  
20 Secretary of Defense, et al. ) **PROCEEDINGS PENDING APPEAL**  
21 Defendants. )  
22 )

On February 22, 2022, the Court denied Plaintiff’s motion for a preliminary injunction. See ECF No. 16. On February 24, 2022, Plaintiff appealed from the Court’s order denying his motion to the U.S. Court of Appeals for the Ninth Circuit. ECF No. 19. On May 6, 2022, the Court’s chambers inquired whether the parties would oppose a stay of district court proceedings pending appeal of the Court’s order denying Plaintiff’s motion. Defendants and Plaintiff,

1 through counsel, hereby stipulate that they do not oppose a stay of district court proceedings  
2 pending appeal.

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4 IT IS SO STIPULATED.

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Dated: May 9, 2022

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Respectfully submitted,

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/s/ Stuart J. Robinson

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## ORDER

The stipulation is approved. Proceedings in this Court are stayed pending Plaintiff's appeal from the order denying Plaintiff's motion for a preliminary injunction. Within seven days of the issuance of the mandate, the parties shall confer and propose a briefing schedule related to Defendants' motion to dismiss or, in the alternative, for summary judgment, ECF No. 31.

Dated: May 9, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE